



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 12, 1999, 8:00 p.m.

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Dowling.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PRESENTATION: Pride in Hayward Award

The following Southgate homeowners were presented with the October Pride in Hayward Award: Lenore Lozano; Arthur and Sandra Nero; Tiberio and Maria Garcia; Ivy Rose; and Fernando and Maria Silva.

PUBLIC COMMENTS

Bill Crosby, President of the Board of Directors and Maria Ochoa, Sun Art Gallery, presented the Council with a glass heart. They also thanked those who were involved for their support and generosity.

Mary Ramos, 756 Medford, commented that she received an agenda and agenda report regarding Item #4 on Saturday and noted the postmark was the previous day. She requested that although this was a courtesy notice on the part of staff, it should have been sent at least one week ahead to make it more convenient to make plans.

Jason Moreno, 25200 Carlos Bee Boulevard, commented regarding police officer home residences.

BOARDS AND COMMISSIONS

1. Appointments to Various Boards, Committees, and Commissions/Administer Oaths of Office

Staff report submitted by City Clerk Reyes, dated October 12, 1999, was filed.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

DRAFT

Resolution 99-161, "Resolution Confirming the Appointment of Members to the Citizens Advisory Commission and Human Services Commission"

City Clerk Reyes administered the Oath of Office to the Commissioners.

CONSENT

2. Approval of Minutes of the Meeting of the City Council of October 5, 1999

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to approve the Minutes of the Regular Meeting of the City Council of October 5, 1999.

3. Huntwood Avenue/Sandoval Way Traffic Signal: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated October 12, 1999, was filed.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 99-162, "Resolution Approving Plans and Specifications for the Huntwood Avenue/Sandoval Way Traffic Signal Project, Project No. 5191 and Call for Bids"

4. Tentative Map Tract 6411 - Mary Ramos (Applicant/Owner) - Request for 12-Month Extension of the Tentative Map to Subdivide a 1.37 Acre Parcel into 28 Condominium Units - The Property is Located at 650 Berry Avenue, on the east side of BART

Staff report submitted by Planning Manager Anderly, dated October 12, 1999, was filed.

It was moved by Council Member Hilson, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 99-163, "Resolution Approving a 12-month Extension for Approved Tentative Tract Map 6411, with Conditions"

Council Member Hilson asked for further information about the conditions required by the City.

5. Adoption of An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code Relating to Payday Loan Facilities

DRAFT



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 12, 1999, 8:00 p.m.

Staff report submitted by City Clerk Reyes, dated October 12, 1999, was filed.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to approve the following:

Ordinance 99-18, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code Relating to Payday Loan Facilities"

HEARINGS

6. Appeal of Planning Commission's Action Approving Use Permit Application 99-160-07 - Mr. & Mrs. Ivo Ascani (Applicant/Owner) - Request for Use Permit to Continue Operation of a Large Group Home for 20 Residents - The Property is Located at 22240 Montgomery Street in an RM (Medium-Density Residential) District (*Continued from 10/5/99*)

Staff report submitted by Planning Manager Anderly, dated October 12, 1999, was filed.

Planning Manager Anderly made the staff report and responded to questions. She described the zoning, neighborhood and the building, adding that the Planning Commission passed the application. She then discussed the information previously provided at a City Council Work Session. She indicated that the number of Group Homes has increased, as the disabled community is transitioned back into neighborhoods. She also discussed the rights of the disabled.

Council Member Henson asked for a differentiation of an Institution and Group Home.

Mayor Cooper opened the public hearing at 8:26 p.m.

Marian and Dave Kolm, 22236 Montgomery Street, read a statement and showed photos of the neighboring home. Mrs. Kolm reiterated their concerns and described various actions.

Dorrie L. Berry, 2256 Sand Point, Byron, 94514, stated that her son is a client at this location and spoke in support and approval of the group home.

Farah Qureshi, 3060 Todd Court, Castro Valley, 94546, Administrator of the Care Home, stated that the group home was in compliance with statutes. She questioned the City's policies and requirements related to group homes when they are in compliance with state and federal laws. She asked the City to reconsider their policy for a use permit when 20 disabled people are in residence. She did not agree that the facility should have been cited at all.

DRAFT

Senda Rios, 22170 Montgomery Street, stated that her neighborhood has taken on a burden for the City with every kind of social service assistance facility. She has lived on her street for over 20 years. She suggested that the social facilities should be spread about so that there will not be a negative impact on just one neighborhood. She asked Council to have a vision for her neighborhood.

Mayor Cooper closed the public hearing at 8:43 p.m.

Council Member Ward asked whether the City can set limits relative to density in neighborhoods. Planning Manager Anderly explained that the State has a requirement that has not yet been challenged by the federal government requiring a space limitation of 300 feet between group homes. Council Member Ward said they are dealing with what the perception of what the impact on the neighborhood will be. He said he worries that, even with the 300-foot limitation, there is potential for proliferation of those units in certain parts of Hayward.

Council Member Henson discussed the number of Group Homes in the North Hayward Neighborhood. He asked whether the local government would have any input into the question of when too many is too many and the impact on the number of homes in a community.

Planning Manager Anderly suggested that the usual question is not to set an upper limit on the numbers of these homes but rather have we made a reasonable accommodation to providing adequate support in the area. She indicated that Hayward's zoning ordinance says a 500-foot separation between homes may be a reasonable accommodation with a use permit. She then noted that this home is in an area zoned for multi-family uses.

There was Council discussion relating to the staffing at the facility and the number of homes that may not be licensed. The administrator described the clients at this facility as mentally disabled young adults who are active in the community and enrolled in day programs.

Council Member Hilson asked for further consideration in the conditions of approval to include further conditions on the physical appearance of the structure. He also asked that the landscaping be conditioned to be compatible with the neighborhood.

Planning Manager Anderly suggested it would be possible to require similar conditions to those required for apartments or condominiums which would establish conditions to make it compatible with other types of housing.

City Attorney O'Toole suggested that the condition might be that staff be directed to work with the owners of the property to assure that the landscaping be compatible with the surrounding neighborhood.

Council Member Hilson said he was looking for more in the way of property clean up, and not just landscaping. Council Member Dowling suggested that the administrator do more outreach throughout the neighborhood so that they understand who their clientele is and have no fear of them. He suggested that there are other areas in town where group homes are located.



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 12, 1999, 8:00 p.m.

Council Member Rodriquez suggested that there are too many group homes in one area, usually the poorer, less organized neighborhoods. There must be consideration of neighbors in these areas. She suggested this is a problem that has to be faced, perhaps through the legislature or congress. She asked that staff develop a letter from Council to state and federal representatives asking for latitude toward communities to examine these issues.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to deny the appeal with the condition of approval to direct staff to work with the owners of the property to assure that the landscaping and property upkeep is more compatible with the surrounding neighborhood. Also, that staff develop a letter from Council to State of California and Federal Representatives asking for latitude toward communities to examine these issues.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 99-164, "Resolution Upholding the Planning Commission's Decision to Approve Use Permit Application No. 99-160-07"

LEGISLATIVE BUSINESS

6. Review of Proposed Revisions to the Residential Rental Inspection Program

Staff report submitted by Development Inspection Services Administrator Carash, dated October 12, 1999, was filed.

Development Inspection Services Administrator Carash presented the staff report saying this issue was presented as a result of work sessions in January and July. As a result, staff has revised the inspection list sent out to landlords, shortening it and making it more understandable. In July consideration was given to an annual inspection fee in lieu of the violation-based fee-schedule that now exists. He indicated that staff has met with rental housing owners association who raised concerns that owners of large housing projects where the majority of units are without violations will pay more in fees than they do now; secondly, the program does not discriminate between poorly and well-maintained properties. As a result, the proposal in the report was that the City charge \$5 per rental unit for each unit: single or multiple units. One re-inspection would be included in the initial charge. He added that these fees are being challenged in Courts as they might be considered under Proposition 218, and need to go to a vote of the people for public approval. He asked that the Council consider conceptual approval of the \$5 fee charge pending final approval and outcome of the court case.

DRAFT

Council Member Henson suggested that members were more concerned about the equity of the process. He said habitual violators should be addressed through this process.

City Manager Armas said that the program would presume someone perpetually guilty if the Rental Housing Inspection Program targeted them.

Mayor Cooper wondered whether Council could just table the issue until the court case was decided. She was told they could.

Council Member Ward was willing to use his council member's prerogative to table this matter until the courts' determination. He commented that members might wish to offer further direction to staff on the item before it comes back to Council.

Council Member Dowling asked whether the City could develop a program to specifically target properties that have problems. City Attorney O'Toole said there might be a code enforcement program, which could be developed to target those places that continually violate the program. However, if the City maintains the Residential Rental Inspection Program, there should be an assurance that the program is applied uniformly to all individuals who are renting. Council Member Dowling then asked Development Inspection Services Administrator Carash about the income from the fees. Currently the program takes in almost two-thirds of the revenue to be self-sustaining. Implementing the \$5 fee would reduce the income somewhat.

Mayor Cooper opened/closed the public hearing at 9:35 p.m. There were no requests to speak.

Council Member Ward moved, seconded by Council Member Jimenez, to table the item in order to offer further direction to staff regarding the city program, which should focus more on the landlords who have a history of violating the city's housing code requirements, and because of the concern regarding the court decision. He added that Council would direct the time to rehear the issue. The motion passed by the following vote:

AYES:	Council Members Jimenez, Hilson, Rodriquez, Ward, Henson MAYOR Cooper
NOES:	Council Member Dowling
ABSENT:	None
ABSTAINED:	None

COUNCIL REPORTS

Members who attended the League of California Cities meeting in San Jose reported on the excellent sessions, commented on the award that Hayward received and congratulated Council Member Hilson on his nomination as Liaison to the Board of Directors of the National League of Cities.



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 12, 1999, 8:00 p.m.

Council Member Jimenez mentioned that he was present when the City Clerks Association of California elected Hayward City Clerk Reyes as President of their Association.

ADJOURNMENT

Mayor Cooper adjourned at 9:40 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward

DRAFT